

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID M. TREHARNE,

Plaintiff,

vs.

CIVIL NO. 5:10-CV-1036
(GTS/GHL)

ROCHE DIAGNOSTICS CORPORATION,
ET AL.,

Defendants.

Appearances:

Of Counsel:

For Plaintiff:

COTE, LIMPert LAW FIRM
214 North State Street
Syracuse, NY 13203

Joseph S. Cote, III, Esq.

For Defendants:

GOLDBERG, SEGALLA LAW FIRM
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Syracuse, NY 13214

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Lisa Marie Robinson, Esq.

BARNES & THORNBURG, LLP
11 South Meridian Street
Indianapolis, IN 46256

Kenneth H. Inskeep, Esq.

Glenn T. Suddaby, U.S. District Judge

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

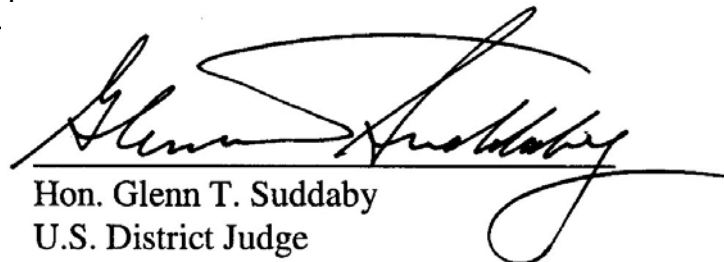
The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules

of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

ORDERED that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within thirty (30) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within thirty (30) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and it is further

ORDERED that the Clerk shall electronically serve copies of this Judgment upon the attorneys for the parties appearing in this action.

Dated: September 30, 2011
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge